

1 SamSHEPPARD MULLIN RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
GARY L. HALLING, Cal. Bar No. 66087
3 JAMES L. MCGINNIS, Cal. Bar No. 95788
MICHAEL W. SCARBOROUGH, Cal. Bar No. 203524
4 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4106
5 Telephone: 415-434-9100
Facsimile: 415-434-3947
6 E-mail: ghalling@sheppardmullin.com
jmcginnis@sheppardmullin.com
7 mscarborough@sheppardmullin.com

8 Attorneys for Defendants
SAMSUNG ELECTRONICS CO., LTD.,
9 SAMSUNG SEMICONDUCTOR, INC. and
SAMSUNG ELECTRONICS AMERICA, INC.
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15
16 In re: TFT-LCD (FLAT PANEL)
17 ANTITRUST LITIGATION

18 This Document Relates To:
19 ALL DIRECT PURCHASER ACTIONS
20
21
22
23
24
25
26
27
28

Master File No. M-07-1827 SI
MDL No. 1827

**ANSWER OF DEFENDANTS
SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG SEMICONDUCTOR,
INC. AND SAMSUNG ELECTRONICS
AMERICA, INC. TO THIRD
AMENDED DIRECT PURCHASER
PLAINTIFFS' CONSOLIDATED
COMPLAINT**

Trial Date: None Set

1 Defendants Samsung Electronics Company, Ltd. (“SEC”), Samsung
2 Semiconductor, Inc. (“SSI”), and Samsung Electronics America, Inc. (“SEA”)
3 (collectively “Samsung”), by and through their undersigned counsel of record, answer the
4 Third Amended Direct Purchaser Plaintiffs’ Consolidated Complaint (the “Complaint”)
5 and allege additional or affirmative defenses as follows. Samsung denies each and every
6 allegation in the Complaint’s section headings and in all portions of the Complaint not
7 contained in numbered paragraphs. To the extent that the Complaint’s allegations concern
8 persons and/or entities other than Samsung, Samsung denies that such allegations support
9 any claim for relief against Samsung.

10 **I. Introduction**

11 1. To the extent that the allegations of Paragraph 1 are definitional,
12 Samsung avers that no response is required. To the extent a response is required, Samsung
13 denies all of the allegations of Paragraph 1, with the exception of matters specifically
14 admitted herein as follows. Samsung admits that Plaintiffs purport to bring this action on
15 behalf of themselves and as a putative class action of persons and entities who directly
16 purchased a Thin Film Transistor Liquid Crystal Display (“TFT-LCD”) panel, or a product
17 containing a TFT-LCD panel, which Plaintiffs further define in Paragraph 1, but otherwise
18 denies that there is a properly certifiable class as defined in Paragraph 1. Samsung also
19 admits that Plaintiffs purport to refer to both TFT-LCD panels and products containing
20 TFT-LCD panels, with the term “TFT-LCD Products.”

21 2. To the extent that the allegations of Paragraph 2 are definitional,
22 Samsung avers that no response is required. To the extent a response is required, Samsung
23 denies all of the allegations of Paragraph 2, with the exception of matters specifically
24 admitted herein as follows. Samsung admits that TFT-LCD is one type of active matrix
25 LCD.

26 3. To the extent allegations of Paragraph 3 are definitional, Samsung
27 avers that no response is required. To the extent a response is required, Samsung denies all
28 of the allegations of Paragraph 3.

1 4. To the extent that the allegations of Paragraph 4 relate to other
2 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
3 belief as to their truth, and therefore denies them. To the extent the allegations of
4 Paragraph 4 relate to Samsung, Samsung denies all of those allegations.

5 5. To the extent that the allegations of Paragraph 5 relate to other
6 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
7 belief as to their truth, and therefore denies them. To the extent the allegations of
8 Paragraph 5 relate to Samsung, Samsung denies all of those allegations.

9 **II. Allegations Concerning Jurisdiction and Venue.**

10 6. Samsung admits that Plaintiffs purport to invoke the cited statutory
11 provisions, but otherwise denies the allegations of Paragraph 6.

12 7. Samsung avers that the allegations of Paragraph 7 regarding subject
13 matter jurisdiction constitute legal contentions and/or conclusions to which no response is
14 required. To the extent that a response is required, and to the extent allegations of
15 Paragraph 7 relate to Samsung, Samsung denies all of the allegations of Paragraph 7.

16 8. Samsung avers that the allegations of Paragraph 8 regarding venue
17 constitute legal contentions and/or conclusions to which no response is required. To the
18 extent that a response is required, and to the extent allegations of Paragraph 8 relate to
19 Samsung, Samsung denies all of the allegations of Paragraph 8, with the exception of
20 matters specifically admitted herein as follows. Samsung admits that SSI resides within
21 this judicial district and that SSI is licensed to and is doing business in this judicial district.
22 To the extent the allegations of Paragraph 8 relate to other defendants, Samsung lacks
23 knowledge or information sufficient to form a belief as to the truth of those allegations,
24 and therefore denies them.

25 9. Samsung avers that the allegations of Paragraph 9 regarding
26 jurisdiction constitute legal contentions and/or conclusions to which no response is
27 required. To the extent that a response is required, and to the extent allegations of
28 Paragraph 9 relate to Samsung, Samsung denies all of the allegations of Paragraph 9, with

1 the exception of matters specifically admitted herein as follows. Samsung admits that SSI
2 transacts business in the United States and this district. To the extent the allegations of
3 Paragraph 9 relate to other defendants, Samsung lacks knowledge or information sufficient
4 to form a belief as to the truth of those allegations, and therefore denies them.

5 **III. Allegations Concerning Plaintiffs.**

6 10. To the extent that the allegations of Paragraph 10 relate to other
7 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
8 belief as to their truth, and therefore denies them. To the extent the allegations of
9 Paragraph 10 relate to Samsung, Samsung denies all of those allegations.

10 11. To the extent that the allegations of Paragraph 11 relate to other
11 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
12 belief as to their truth, and therefore denies them. To the extent the allegations of
13 Paragraph 11 relate to Samsung, Samsung denies all of those allegations.

14 12. To the extent that the allegations of Paragraph 12 relate to other
15 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
16 belief as to their truth, and therefore denies them. To the extent the allegations of
17 Paragraph 12 relate to Samsung, Samsung denies all of those allegations.

18 13. To the extent that the allegations of Paragraph 13 relate to other
19 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
20 belief as to their truth, and therefore denies them. To the extent the allegations of
21 Paragraph 13 relate to Samsung, Samsung denies all of those allegations.

22 14. To the extent that the allegations of Paragraph 14 relate to other
23 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
24 belief as to their truth, and therefore denies them. To the extent the allegations of
25 Paragraph 14 relate to Samsung, Samsung denies all of those allegations.

26 15. To the extent that the allegations of Paragraph 15 relate to other
27 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
28 belief as to their truth, and therefore denies them. To the extent the allegations of

1 Paragraph 15 relate to Samsung, Samsung denies all of those allegations.

2 16. To the extent that the allegations of Paragraph 16 relate to other
3 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
4 belief as to their truth, and therefore denies them. To the extent the allegations of
5 Paragraph 16 relate to Samsung, Samsung denies all of those allegations.

6 17. To the extent that the allegations of Paragraph 17 relate to other
7 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
8 belief as to their truth, and therefore denies them. To the extent the allegations of
9 Paragraph 17 relate to Samsung, Samsung denies all of those allegations.

10 18. To the extent that the allegations of Paragraph 18 relate to other
11 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
12 belief as to their truth, and therefore denies them. To the extent the allegations of
13 Paragraph 18 relate to Samsung, Samsung denies all of those allegations.

14 19. To the extent that the allegations of Paragraph 19 relate to other
15 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
16 belief as to their truth, and therefore denies them. To the extent the allegations of
17 Paragraph 19 relate to Samsung, Samsung denies all of those allegations.

18 20. To the extent that the allegations of Paragraph 20 relate to other
19 defendants or a plaintiff, Samsung lacks knowledge or information sufficient to form a
20 belief as to their truth, and therefore denies them. To the extent the allegations of
21 Paragraph 20 relate to Samsung, Samsung denies all of those allegations.

22 **IV. Allegations Concerning Defendants**

23 21. Samsung lacks knowledge or information sufficient to form a belief as
24 to the truth of the allegations of Paragraph 21, and therefore denies them.

25 22. Samsung lacks knowledge or information sufficient to form a belief as
26 to the truth of the allegations of Paragraph 22, and therefore denies them.

27 23. Samsung admits that Plaintiffs purport to refer to Epson Imaging
28 Device Corporation, Epson Electronics America, Inc., and Seiko Epson collectively in the

1 Complaint as “Epson.”

2 24. Samsung lacks knowledge or information sufficient to form a belief as
3 to the truth of the allegations of Paragraph 24, and therefore denies them.

4 25. Samsung lacks knowledge or information sufficient to form a belief as
5 to the truth of the allegations of Paragraph 25, and therefore denies them.

6 26. Samsung lacks knowledge or information sufficient to form a belief as
7 to the truth of the allegations of Paragraph 26, and therefore denies them.

8 27. Samsung admits that Plaintiffs purport to refer to Hitachi, Ltd.,
9 Hitachi Displays, Ltd., and Hitachi Electronic Devices (USA), Inc. collectively in the
10 Complaint as “Hitachi.”

11 28. Samsung lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations of Paragraph 28, and therefore denies them.

13 29. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations of Paragraph 29, and therefore denies them.

15 30. Samsung lacks knowledge or information sufficient to form a belief as
16 to the truth of the allegations of Paragraph 30, and therefore denies them.

17 31. Samsung lacks knowledge or information sufficient to form a belief as
18 to the truth of the allegations of Paragraph 31, and therefore denies them.

19 32. Samsung admits that Plaintiffs purport to refer to Sharp Corporation
20 and Sharp Electronics Corporation collectively in the Complaint as “Sharp.”

21 33. Samsung lacks knowledge or information sufficient to form a belief as
22 to the truth of the allegations of Paragraph 33, and therefore denies them.

23 34. Samsung lacks knowledge or information sufficient to form a belief as
24 to the truth of the allegations of Paragraph 34, and therefore denies them

25 35. Samsung lacks knowledge or information sufficient to form a belief as
26 to the truth of the allegations of Paragraph 35, and therefore denies them.

27 36. Samsung admits that Plaintiffs purport to refer to Toshiba
28 Corporation, Toshiba America Electronics Components, Inc., and Toshiba America

1 Information Systems, Inc. collectively in the Complaint as “Toshiba.”

2 37. Samsung lacks knowledge or information sufficient to form a belief as
3 to the truth of the allegations of Paragraph 37, and therefore denies them.

4 38. Samsung lacks knowledge or information sufficient to form a belief as
5 to the truth of the allegations of Paragraph 38, and therefore denies them.

6 39. Samsung lacks knowledge or information sufficient to form a belief as
7 to the truth of the allegations of Paragraph 39, and therefore denies them.

8 40. Samsung admits that Plaintiffs purport to refer to LG Display Co., Ltd
9 and LG Display America, Inc. collectively in the Complaint as “LG Display.”

10 41. Samsung denies all of the allegations of paragraph 41, with the
11 exception of matters specifically admitted herein as follows. Samsung admits that SEC is
12 a Korean corporation and maintains its executive offices at Samsung Electronics Building,
13 1320-10, Seocho 2-dong, Seocho-gu, Seoul, Korea. Samsung admits that, during at least
14 portions of the alleged period, SEC was the world’s largest producer of TFT-LCD panels.

15 42. Samsung denies all of the allegations of paragraph 42, with the
16 exception of matters specifically admitted herein as follows. Samsung admits that SEA is a
17 New Jersey corporation and maintains offices at 105 Challenger Road, Ridgefield Park, NJ
18 07660. Samsung also admits that SEA is wholly owned by SEC. Samsung further admits
19 that, during the alleged period, SEA sold products containing TFT-LCD panels in the
20 United States.

21 43. Samsung denies all of the allegations of paragraph 43, with the
22 exception of matters specifically admitted herein as follows. Samsung admits that SSI is a
23 California corporation and maintains offices at 3655 North First Street, San Jose,
24 California, 95134. Samsung also admits that SSI is ultimately wholly owned by SEC.
25 Samsung further admits that, during the alleged period, SSI sold TFT-LCD panels in the
26 United States.

27 44. Samsung admits that Plaintiffs purport to refer to Defendants SEC,
28 SEA, and SSI collectively in the Complaint as “Samsung.”

1 45. Samsung lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations of Paragraph 45, and therefore denies them.

3 46. Samsung lacks knowledge or information sufficient to form a belief as
4 to the truth of the allegations of Paragraph 46, and therefore denies them.

5 47. Samsung admits that Plaintiffs purport to refer to AU Optronics
6 Corporation and AU America collectively in the Complaint as “AU Optronics.”

7 48. Samsung lacks knowledge or information sufficient to form a belief as
8 to the truth of the allegations of Paragraph 48, and therefore denies them.

9 49. Samsung lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations of Paragraph 49, and therefore denies them.

11 50. Samsung lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations of Paragraph 50, and therefore denies them.

13 51. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations of Paragraph 51, and therefore denies them.

15 52. Samsung lacks knowledge or information sufficient to form a belief as
16 to the truth of the allegations of Paragraph 52, and therefore denies them.

17 53. Samsung lacks knowledge or information sufficient to form a belief as
18 to the truth of the allegations of Paragraph 53, and therefore denies them.

19 54. Samsung admits that Plaintiffs purport to refer to Chi Mei
20 Corporation, Chi Mei Optoelectronics Corporation, CMO Japan Co., Ltd., Chi Mei
21 Optoelectronics USA, Inc., Nexgen Mediatech, Inc., and Nexgen Mediatech USA, Inc.
22 collectively in the Complaint as “Chi Mei.”

23 55. Samsung lacks knowledge or information sufficient to form a belief as
24 to the truth of the allegations of Paragraph 55, and therefore denies them.

25 56. Samsung lacks knowledge or information sufficient to form a belief as
26 to the truth of the allegations of Paragraph 56, and therefore denies them.

27 57. Samsung admits that Plaintiffs purport to refer to Chunghwa Picture
28 Tubes, Ltd. and Tatung Company of America, Inc. collectively in the Complaint as

1 “Chunghwa.”

2 58. Samsung lacks knowledge or information sufficient to form a belief as
3 to the truth of the allegations of Paragraph 58, and therefore denies them.

4 **V. Allegations Concerning Agents and Co-Conspirators**

5 59. To the extent that the allegations of Paragraph 59 relate to other
6 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
7 truth, and therefore denies them. To the extent that the allegations of Paragraph 59 relate
8 to Samsung, Samsung denies all of those allegations.

9 60. To the extent that the allegations of Paragraph 60 relate to other
10 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
11 truth, and therefore denies them. To the extent that the allegations of Paragraph 60 relate
12 to Samsung, Samsung denies all of those allegations.

13 61. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegation in Paragraph 61, and therefore denies them.

15 62. Samsung lacks knowledge or information sufficient to form a belief as
16 to the truth of the allegations of Paragraph 62, and therefore denies them.

17 63. Samsung lacks knowledge or information sufficient to form a belief as
18 to the truth of the allegations of Paragraph 63, and therefore denies them.

19 64. Samsung lacks knowledge or information sufficient to form a belief as
20 to the truth of the allegations of Paragraph 64, and therefore denies them.

21 65. Samsung lacks knowledge or information sufficient to form a belief as
22 to the truth of the allegations of Paragraph 65, and therefore denies them.

23 66. Samsung lacks knowledge or information sufficient to form a belief as
24 to the truth of the allegations of Paragraph 66, and therefore denies them.

25 67. Samsung lacks knowledge or information sufficient to form a belief as
26 to the truth of the allegations of Paragraph 67, and therefore denies them.

27 68. Samsung lacks knowledge or information sufficient to form a belief as
28 to the truth of the allegations of Paragraph 68, and therefore denies them.

69. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 69, and therefore denies them.

70. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 70, and therefore denies them.

71. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 71, and therefore denies them.

VI. Class Action Allegations.

72. Samsung denies all of the allegations of paragraph 72, with the exception of matters specifically admitted herein as follows. Samsung admits Plaintiffs purport to bring this action as a putative class action as defined in Paragraph 72, but otherwise denies that there is a properly certifiable class as defined in Paragraph 72.

73. Samsung denies all of the allegations of paragraph 73, with the exception of matters specifically admitted herein as follows. Samsung admits Plaintiffs purport to bring this action as a putative class action as defined in Paragraph 73, but otherwise denies that there is a properly certifiable class as defined in Paragraph 73.

74. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 74, and therefore denies them.

75. Samsung denies each and every allegation of Paragraph 75 and its subparts. Samsung specifically denies that Plaintiffs have suffered any injury or damages as a result of any alleged conduct by Samsung, or that they have sufficiently stated any claims for relief against Samsung.

76. Samsung denies each and every allegation of Paragraph 76.

77. Samsung denies each and every allegation of Paragraph 77.

78. Samsung lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 78, and therefore denies them.

79. Samsung denies each and every allegation of Paragraph 79.

80. Samsung denies each and every allegation of Paragraph 80.

81. Samsung denies each and every allegation of Paragraph 81.

1 **VII. Allegations Concerning Trade and Commerce.**

2 82. To the extent that the allegations of Paragraph 82 relate to other
3 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
4 truth, and therefore denies them. To the extent that the allegations of Paragraph 82 relate
5 to Samsung, Samsung denies all of those allegations, with the exception of matters
6 specifically admitted herein as follows. Samsung admits that, during the alleged period,
7 SSI sold TFT-LCD panels in the United States, and that SEA sold products containing
8 TFT-LCD panels in the United States.

9 83. Samsung denies each and every allegation of Paragraph 83.

10 84. Samsung denies each and every allegation of Paragraph 84.

11 **VIII. The Factual Allegations**

12 85. Samsung lacks knowledge or information sufficient to form a belief as
13 to the truth of the allegations of Paragraph 85, and therefore denies them.

14 86. To the extent allegations of Paragraph 86 are definitional, Samsung
15 avers that no response is required. To the extent a response is required, Samsung lacks
16 knowledge or information sufficient to form a belief as to the truth of the allegations of
17 Paragraph 86, and therefore denies them.

18 87. To the extent allegations of Paragraph 87 are definitional, Samsung
19 avers that no response is required. To the extent a response is required, denies all of the
20 allegations of Paragraph 87, with the exception of matters specifically admitted herein as
21 follows. Samsung admits that TFT-LCD is one type of active matrix LCD.

22 88. To the extent allegations of Paragraph 88 are definitional, Samsung
23 avers that no response is required. To the extent a response is required, Samsung lacks
24 knowledge or information sufficient to form a belief as to the truth of the allegations of
25 Paragraph 88, and therefore denies them.

26 89. To the extent allegations of Paragraph 89 are definitional, Samsung
27 avers that no response is required. To the extent a response is required, Samsung lacks
28 knowledge or information sufficient to form a belief as to the truth of the allegations of

1 Paragraph 89, and therefore denies them.

2 90. To the extent allegations of Paragraph 90 are definitional, Samsung
3 avers that no response is required. To the extent a response is required, Samsung lacks
4 knowledge or information sufficient to form a belief as to the truth of the allegations of
5 Paragraph 90, and therefore denies them.

6 91. Samsung denies each and every allegation of Paragraph 91.

7 92. Samsung lacks knowledge or information sufficient to form a belief as
8 to the truth of the allegations of Paragraph 92, and therefore denies them.

9 93. Samsung denies the allegations in the first sentence of Paragraph 93.
10 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
11 remaining allegations of Paragraph 93, and therefore denies them.

12 94. To the extent that the allegations of Paragraph 94 relate to other
13 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
14 truth, and therefore denies them. To the extent that the allegations of Paragraph 94 relate
15 to Samsung, Samsung denies all of those allegations.

16 95. To the extent that the allegations of Paragraph 95 relate to other
17 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
18 truth, and therefore denies them. To the extent that the allegations of Paragraph 95 relate
19 to Samsung, Samsung denies all of those allegations.

20 96. Samsung lacks knowledge or information sufficient to form a belief as
21 to the truth of the allegations of Paragraph 96, and therefore denies them.

22 97. To the extent that the allegations of Paragraph 97 relate to other
23 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
24 truth, and therefore denies them. To the extent that the allegations of Paragraph 97 relate
25 to Samsung, Samsung denies all of those allegations, with the exception of matters
26 specifically admitted herein as follows. Samsung admits that SEC entered into a licensing
27 arrangement with AU Optronics Corp. in 2006.

28 98. Samsung denies each and every allegation of Paragraph 98.

1 99. Samsung lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations of Paragraph 99, and therefore denies them.

3 100. Samsung denies each and every allegation of Paragraph 100.

4 101. Samsung lacks knowledge or information sufficient to form a belief as
5 to the truth of the allegations of Paragraph 101, and therefore denies them.

6 102. Samsung denies each and every allegation of Paragraph 102.

7 103. Samsung denies each and every allegation of Paragraph 103.

8 104. Samsung denies each and every allegation of Paragraph 104.

9 105. Samsung lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations of Paragraph 105, and therefore denies them.

11 106. Samsung lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations of Paragraph 106, and therefore denies them.

13 107. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations of Paragraph 107, and therefore denies them.

15 108. To the extent that the allegations of Paragraph 108 relate to other
16 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
17 truth, and therefore denies them. To the extent that the allegations of Paragraph 108 relate
18 to Samsung, Samsung denies all of those allegations, with the exception of matters
19 specifically admitted herein as follows. Samsung admits that SEC began manufacturing
20 TFT-LCD panels in approximately 1995.

21 109. Samsung lacks knowledge or information sufficient to form a belief as
22 to the truth of the allegations of Paragraph 109, and therefore denies them.

23 110. Samsung denies each and every allegation of Paragraph 110.

24 111. To the extent that the allegations of Paragraph 111 relate to other
25 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
26 truth, and therefore denies them. To the extent that the allegations of Paragraph 111 relate
27 to Samsung, Samsung denies all of those allegations.
28

1 112. To the extent that the allegations of Paragraph 112 relate to other
2 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
3 truth, and therefore denies them. To the extent that the allegations of Paragraph 112 relate
4 to Samsung, Samsung denies all of those allegations.

5 113. To the extent that the allegations of Paragraph 113 relate to other
6 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
7 truth, and therefore denies them. To the extent that the allegations of Paragraph 113 relate
8 to Samsung, Samsung denies all of those allegations.

9 114. To the extent that the allegations of Paragraph 114 relate to other
10 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
11 truth, and therefore denies them. To the extent that the allegations of Paragraph 114 relate
12 to Samsung, Samsung denies all of those allegations.

13 115. To the extent that the allegations of Paragraph 115 relate to other
14 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
15 truth, and therefore denies them. To the extent that the allegations of Paragraph 115 relate
16 to Samsung, Samsung denies all of those allegations.

17 116. To the extent that the allegations of Paragraph 116 relate to other
18 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
19 truth, and therefore denies them. To the extent that the allegations of Paragraph 116 relate
20 to Samsung, Samsung denies all of those allegations.

21 117. To the extent that the allegations of Paragraph 117 relate to other
22 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
23 truth, and therefore denies them. To the extent that the allegations of Paragraph 117 relate
24 to Samsung, Samsung denies all of those allegations.

25 118. To the extent that the allegations of Paragraph 118 relate to other
26 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
27 truth, and therefore denies them. To the extent that the allegations of Paragraph 118 relate
28 to Samsung, Samsung denies all of those allegations.

1 119. To the extent that the allegations of Paragraph 119 relate to other
2 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
3 truth, and therefore denies them. To the extent that the allegations of Paragraph 119 relate
4 to Samsung, Samsung denies all of those allegations.

5 120. To the extent that the allegations of Paragraph 120 relate to other
6 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
7 truth, and therefore denies them. To the extent that the allegations of Paragraph 120 relate
8 to Samsung, Samsung denies all of those allegations.

9 121. To the extent that the allegations of Paragraph 121 relate to other
10 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
11 truth, and therefore denies them. To the extent that the allegations of Paragraph 121 relate
12 to Samsung, Samsung denies all of those allegations.

13 122. To the extent that the allegations of Paragraph 122 relate to other
14 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
15 truth, and therefore denies them. To the extent that the allegations of Paragraph 122 relate
16 to Samsung, Samsung denies all of those allegations.

17 123. To the extent that the allegations of Paragraph 123 relate to other
18 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
19 truth, and therefore denies them. To the extent that the allegations of Paragraph 123 relate
20 to Samsung, Samsung denies all of those allegations.

21 124. To the extent that the allegations of Paragraph 124 relate to other
22 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
23 truth, and therefore denies them. To the extent that the allegations of Paragraph 124 relate
24 to Samsung, Samsung denies all of those allegations.

25 125. To the extent that the allegations of Paragraph 125 relate to other
26 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
27 truth, and therefore denies them. To the extent that the allegations of Paragraph 125 relate
28 to Samsung, Samsung denies all of those allegations.

1 126. To the extent that the allegations of Paragraph 126 relate to other
2 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
3 truth, and therefore denies them. To the extent that the allegations of Paragraph 126 relate
4 to Samsung, Samsung denies all of those allegations.

5 127. To the extent that the allegations of Paragraph 127 relate to other
6 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
7 truth, and therefore denies them. To the extent that the allegations of Paragraph 127 relate
8 to Samsung, Samsung denies all of those allegations.

9 128. To the extent that the allegations of Paragraph 128 relate to other
10 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
11 truth, and therefore denies them. To the extent that the allegations of Paragraph 128 relate
12 to Samsung, Samsung denies all of those allegations.

13 129. To the extent that the allegations of Paragraph 129 relate to other
14 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
15 truth, and therefore denies them. To the extent that the allegations of Paragraph 129 relate
16 to Samsung, Samsung denies all of those allegations.

17 130. To the extent that the allegations of Paragraph 130 relate to other
18 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
19 truth, and therefore denies them. To the extent that the allegations of Paragraph 130 relate
20 to Samsung, Samsung denies all of those allegations.

21 131. To the extent that the allegations of Paragraph 131 relate to other
22 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
23 truth, and therefore denies them. To the extent that the allegations of Paragraph 131 relate
24 to Samsung, Samsung denies all of those allegations.

25 132. Samsung denies each and every allegation of Paragraph 132.

26 133. To the extent that the allegations of Paragraph 133 relate to other
27 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
28 truth, and therefore denies them. To the extent that the allegations of Paragraph 133 relate

1 to Samsung, Samsung denies all of those allegations.

2 134. To the extent that the allegations of Paragraph 134 relate to other
3 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
4 truth, and therefore denies them. To the extent that the allegations of Paragraph 134 relate
5 to Samsung, Samsung denies all of those allegations.

6 135. To the extent that the allegations of Paragraph 135 relate to other
7 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
8 truth, and therefore denies them. To the extent that the allegations of Paragraph 135 relate
9 to Samsung, Samsung denies all of those allegations.

10 136. To the extent that the allegations of Paragraph 136 relate to other
11 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
12 truth, and therefore denies them. To the extent that the allegations of Paragraph 136 relate
13 to Samsung, Samsung denies all of those allegations.

14 137. To the extent that the allegations of Paragraph 137 relate to other
15 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
16 truth, and therefore denies them. To the extent that the allegations of Paragraph 137 relate
17 to Samsung, Samsung denies all of those allegations.

18 138. To the extent that the allegations of Paragraph 138 relate to other
19 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
20 truth, and therefore denies them. To the extent that the allegations of Paragraph 138 relate
21 to Samsung, Samsung denies all of those allegations.

22 139. To the extent that the allegations of Paragraph 139 relate to other
23 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
24 truth, and therefore denies them. To the extent that the allegations of Paragraph 139 relate
25 to Samsung, Samsung denies all of those allegations.

26 140. To the extent that the allegations of Paragraph 140 relate to other
27 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
28 truth, and therefore denies them. To the extent that the allegations of Paragraph 140 relate

1 to Samsung, Samsung denies all of those allegations.

2 141. To the extent that the allegations of Paragraph 141 relate to other
3 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
4 truth, and therefore denies them. To the extent that the allegations of Paragraph 141 relate
5 to Samsung, Samsung denies all of those allegations.

6 142. To the extent that the allegations of Paragraph 142 relate to other
7 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
8 truth, and therefore denies them. To the extent that the allegations of Paragraph 142 relate
9 to Samsung, Samsung denies all of those allegations.

10 143. Samsung denies each and every allegation of Paragraph 143.

11 144. Samsung lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations of Paragraph 144, and therefore denies them.

13 145. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations of Paragraph 145, and therefore denies them.

15 146. Samsung denies each and every allegation of Paragraph 146.

16 147. To the extent that the allegations of Paragraph 147 relate to other
17 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
18 truth, and therefore denies them. To the extent that the allegations of Paragraph 147 relate
19 to Samsung, Samsung denies all of those allegations, with the exception of matters
20 specifically admitted herein as follows. Samsung admits that, in December of 2006,
21 government authorities in Japan, Korea, the European Union, and the United States
22 revealed the existence of investigations into the TFT-LCD industry, the details of which
23 are matters of public record.

24 148. Samsung lacks knowledge or information sufficient to form a belief as
25 to the truth of the allegations of Paragraph 148, and therefore denies them.

26 149. With the exception of matters specifically admitted herein as follows,
27 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
28 allegations of Paragraph 149, and therefore denies them. Samsung admits that LG Display

1 Co. Ltd., LG Display America Inc., Sharp Corporation, and Chunghwa Picture Tubes, Ltd.
2 entered into plea agreements with the DOJ, the terms of which are matters of public
3 record.

4 150. With the exception of matters specifically admitted herein as follows,
5 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
6 allegations of Paragraph 150, and therefore denies them. Samsung admits that Chunghwa
7 Picture Tubes, Ltd. entered into a plea agreement with the DOJ, the terms of which are a
8 matter of public record.

9 151. With the exception of matters specifically admitted herein as follows,
10 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
11 allegations of Paragraph 151, and therefore denies them. Samsung admits that LG Display
12 Co. Ltd. and LG Display America Inc. entered into a plea agreement with the DOJ, the
13 terms of which are a matter of public record.

14 152. With the exception of matters specifically admitted herein as follows,
15 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
16 allegations of Paragraph 152 and its subparts, and therefore denies them. Samsung admits
17 that LG Display Co. Ltd., LG Display America Inc., and Chunghwa Picture Tubes, Ltd.
18 entered into plea agreements with the DOJ, the terms of which are matters of public
19 record.

20 153. With the exception of matters specifically admitted herein as follows,
21 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
22 allegations of Paragraph 153, and therefore denies them. Samsung admits that Sharp
23 Corporation entered into a plea agreement with the DOJ, the terms of which are a matter of
24 public record.

25 154. With the exception of matters specifically admitted herein as follows,
26 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
27 allegations of Paragraph 154 and its subparts, and therefore denies them. Samsung admits
28 that Sharp Corporation entered into a plea agreement with the DOJ, the terms of which are

1 a matter of public record.

2 155. With the exception of matters specifically admitted herein as follows,
3 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
4 allegations of Paragraph 155 and its subparts, and therefore denies them. Samsung admits
5 that Sharp Corporation entered into a plea agreement with the DOJ, the terms of which are
6 a matter of public record.

7 156. With the exception of matters specifically admitted herein as follows,
8 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations of Paragraph 156, and therefore denies them. Samsung admits that Epson
10 Imaging Devices Corporation entered into a plea agreement with the DOJ, the terms of
11 which are a matter of public record.

12 157. With the exception of matters specifically admitted herein as follows,
13 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
14 allegations of Paragraph 157 and its subparts, and therefore denies them. Samsung admits
15 that Epson Imaging Devices Corporation entered into a plea agreement with the DOJ, the
16 terms of which are a matter of public record.

17 158. With the exception of matters specifically admitted herein as follows,
18 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
19 allegations of Paragraph 158, and therefore denies them. Samsung admits that Epson
20 Imaging Devices Corporation entered into a plea agreement with the DOJ, the terms of
21 which are a matter of public record.

22 159. With the exception of matters specifically admitted herein as follows,
23 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
24 allegations of Paragraph 159, and therefore denies them. Samsung admits that Epson
25 Imaging Devices Corporation entered into a plea agreement with the DOJ, the terms of
26 which are a matter of public record.

27 160. Samsung lacks knowledge or information sufficient to form a belief as
28 to the truth of the allegations of Paragraph 160, and therefore denies them.

1 161. Samsung lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations of Paragraph 161, and therefore denies them.

3 162. Samsung denies each and every allegation of Paragraph 162.

4 163. Samsung denies each and every allegation of Paragraph 163.

5 164. Samsung lacks knowledge or information sufficient to form a belief as
6 to the truth of the allegations of Paragraph 164, and therefore denies them.

7 165. Samsung lacks knowledge or information sufficient to form a belief as
8 to the truth of the allegations of Paragraph 165, and therefore denies them.

9 166. Samsung lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations of Paragraph 166, and therefore denies them.

11 167. Samsung lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations of Paragraph 167, and therefore denies them.

13 168. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations of Paragraph 168, and therefore denies them.

15 169. To the extent that the allegations of Paragraph 169 relate to other
16 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
17 truth, and therefore denies them. To the extent that the allegations of Paragraph 169 relate
18 to Samsung, Samsung denies all of those allegations.

19 170. Samsung lacks knowledge or information sufficient to form a belief as
20 to the truth of the allegations of Paragraph 170, and therefore denies them.

21 171. Samsung lacks knowledge or information sufficient to form a belief as
22 to the truth of the allegations of Paragraph 171, and therefore denies them.

23 172. Samsung denies the allegations of Paragraph 172, with the exception
24 of matters specifically admitted herein as follows. Samsung admits that, during at least
25 portions of the alleged period, Yoon-Woo Lee was an SEC employee. With respect to the
26 purported communication attributed to Mr. Lee referenced in Paragraph 172, Samsung
27 refers Plaintiffs to the referenced communication for a description of its content.

1 173. To the extent that the allegations of Paragraph 173 relate to other
2 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
3 truth, and therefore denies them. To the extent that the allegations of Paragraph 173 relate
4 to Samsung, Samsung denies all of those allegations.

5 174. Samsung denies each and every allegation of Paragraph 174.

6 175. Samsung lacks knowledge or information sufficient to form a belief as
7 to the truth of the allegations of Paragraph 175, and therefore denies them.

8 176. Samsung lacks knowledge or information sufficient to form a belief as
9 to the truth of the allegations in the first sentence of Paragraph 176, and therefore denies
10 them. Samsung denies the allegations in the second sentence of Paragraph 176.

11 177. To the extent that the allegations of Paragraph 177 relate to other
12 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
13 truth, and therefore denies them. To the extent that the allegations of Paragraph 177 relate
14 to Samsung, Samsung denies all of those allegations, with the exception of matters
15 specifically admitted herein as follows. Samsung admits that, during at least portions of
16 the alleged period, Yoon-Woo Lee was an SEC employee. With respect to the purported
17 communication attributed to Mr. Lee referenced in Paragraph 177, Samsung refers
18 Plaintiffs to the referenced communication for a description of its content.

19 178. Samsung lacks knowledge or information sufficient to form a belief as
20 to the truth of the allegations of Paragraph 178, and therefore denies them.

21 179. To the extent that the allegations of Paragraph 179 relate to other
22 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
23 truth, and therefore denies them. To the extent that the allegations of Paragraph 179 relate
24 to Samsung, Samsung denies all of those allegations.

25 180. Samsung lacks knowledge or information sufficient to form a belief as
26 to the truth of the allegations of Paragraph 180, and therefore denies them.

27 181. Samsung lacks knowledge or information sufficient to form a belief as
28 to the truth of the allegations of Paragraph 181, and therefore denies them.

1 182. Samsung lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations of Paragraph 182, and therefore denies them.

3 183. To the extent that the allegations of Paragraph 183 relate to other
4 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
5 truth, and therefore denies them. To the extent that the allegations of Paragraph 183 relate
6 to Samsung, Samsung denies all of those allegations.

7 184. To the extent that the allegations of Paragraph 184 relate to other
8 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
9 truth, and therefore denies them. To the extent that the allegations of Paragraph 184 relate
10 to Samsung, Samsung denies all of those allegations.

11 185. To the extent that the allegations of Paragraph 185 relate to other
12 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
13 truth, and therefore denies them. To the extent that the allegations of Paragraph 185 relate
14 to Samsung, Samsung denies all of those allegations.

15 186. To the extent that the allegations of Paragraph 186 relate to other
16 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
17 truth, and therefore denies them. To the extent that the allegations of Paragraph 186 relate
18 to Samsung, Samsung denies all of those allegations.

19 187. Samsung lacks knowledge or information sufficient to form a belief as
20 to the truth of the allegations of Paragraph 187, and therefore denies them. With respect to
21 the purported communication attributed to unnamed officials at Samsung referenced in
22 Paragraph 187, Samsung refers Plaintiffs to the referenced communication for a
23 description of its content.

24 188. Samsung lacks knowledge or information sufficient to form a belief as
25 to the truth of the allegations in the first and second sentences of Paragraph 188, and
26 therefore denies them. Samsung denies the allegations in the third sentence of Paragraph
27 188.

1 189. Samsung lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations of Paragraph 189, and therefore denies them.

3 190. Samsung lacks knowledge or information sufficient to form a belief as
4 to the truth of the allegations of Paragraph 190, and therefore denies them.

5 191. Samsung lacks knowledge or information sufficient to form a belief as
6 to the truth of the allegations of Paragraph 191, and therefore denies them.

7 192. Samsung lacks knowledge or information sufficient to form a belief as
8 to the truth of the allegations of Paragraph 192, and therefore denies them.

9 193. Samsung lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations of Paragraph 193, and therefore denies them.

11 194. Samsung lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations of Paragraph 194, and therefore denies them.

13 195. To the extent that the allegations of Paragraph 195 relate to other
14 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
15 truth, and therefore denies them. To the extent that the allegations of Paragraph 195 relate
16 to Samsung, Samsung denies all of those allegations.

17 196. To the extent that the allegations of Paragraph 196 relate to other
18 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
19 truth, and therefore denies them. To the extent that the allegations of Paragraph 196 relate
20 to Samsung, Samsung denies all of those allegations.

21 197. Samsung lacks knowledge or information sufficient to form a belief as
22 to the truth of the allegations of Paragraph 197, and therefore denies them.

23 198. Samsung lacks knowledge or information sufficient to form a belief as
24 to the truth of the allegations of Paragraph 198, and therefore denies them.

25 199. With the exception of matters specifically admitted herein as follows,
26 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
27 allegations of Paragraph 199, and therefore denies them. Samsung admits that, in 2004,
28 SEC and Sony Corporation entered into a joint venture arrangement known as S-LCD

1 Corp.

2 200. Samsung lacks knowledge or information sufficient to form a belief as
3 to the truth of the allegations of Paragraph 200, and therefore denies them.

4 201. Samsung lacks knowledge or information sufficient to form a belief as
5 to the truth of the allegations of Paragraph 201, and therefore denies them.

6 202. Samsung lacks knowledge or information sufficient to form a belief as
7 to the truth of the allegations of Paragraph 202, and therefore denies them. With respect to
8 the purported announcement attributed to Samsung referenced in Paragraph 202, Samsung
9 refers Plaintiffs to the referenced communication for a description of its content.

10 203. Samsung lacks knowledge or information sufficient to form a belief as
11 to the truth of the allegations of Paragraph 203, and therefore denies them.

12 204. To the extent that the allegations of Paragraph 204 relate to other
13 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
14 truth, and therefore denies them. To the extent that the allegations of Paragraph 204 relate
15 to Samsung, Samsung denies all of those allegations.

16 205. To the extent that the allegations of Paragraph 205 relate to other
17 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
18 truth, and therefore denies them. To the extent that the allegations of Paragraph 205 relate
19 to Samsung, Samsung denies all of those allegations.

20 206. Samsung denies the allegations of Paragraph 206, with the exception
21 of matters specifically admitted herein as follows. Samsung admits that, during at least
22 portions of the alleged period, Sang-Wan Lee, was an SEC employee. With respect to the
23 purported communication attributed to Mr. Lee referenced in Paragraph 206, Samsung
24 refers Plaintiffs to the referenced communication for a description of its content.

25 207. Samsung denies each and every allegation of Paragraph 207.

26 208. To the extent that the allegations of Paragraph 208 relate to other
27 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
28 truth, and therefore denies them. To the extent that the allegations of Paragraph 208 relate

1 to Samsung, Samsung denies all of those allegations.

2 209. To the extent that the allegations of Paragraph 209 relate to other
3 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
4 truth, and therefore denies them. To the extent that the allegations of Paragraph 209 relate
5 to Samsung, Samsung denies all of those allegations.

6 210. Samsung lacks knowledge or information sufficient to form a belief as
7 to the truth of the allegations of Paragraph 210, and therefore denies them.

8 211. Samsung denies each and every allegation of Paragraph 211.

9 212. To the extent that the allegations of Paragraph 212 relate to other
10 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
11 truth, and therefore denies them. To the extent that the allegations of Paragraph 212 relate
12 to Samsung, Samsung denies all of those allegations.

13 213. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations in the first sentence of Paragraph 213, and therefore denies
15 them. Samsung denies the allegations in the second sentence of Paragraph 213.

16 214. Samsung lacks knowledge or information sufficient to form a belief as
17 to the truth of the allegations of Paragraph 214, and therefore denies them.

18 215. To the extent that the allegations of Paragraph 215 relate to other
19 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
20 truth, and therefore denies them. To the extent that the allegations of Paragraph 215 relate
21 to Samsung, Samsung denies all of those allegations, with the exception of matters
22 specifically admitted herein as follows. Samsung admits that, during at least portions of
23 the alleged period, SEC was a member of EDIRAK (the Electronic Display Industrial
24 Research Association of Korea).

25 216. Samsung lacks knowledge or information sufficient to form a belief as
26 to the truth of the allegations of Paragraph 216, and therefore denies them.

27 217. To the extent that the allegations of Paragraph 217 relate to other
28 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their

1 truth, and therefore denies them. To the extent that the allegations of Paragraph 217 relate
2 to Samsung, Samsung denies all of those allegations, with the exception of matters
3 specifically admitted herein as follows. Samsung admits that, during at least portions of
4 the alleged period, SEC and SSI personnel attended conferences hosted by the Society for
5 Information Display.

6 218. Samsung lacks knowledge or information sufficient to form a belief as
7 to the truth of the allegations of Paragraph 218, and therefore denies them.

8 219. To the extent that the allegations of Paragraph 219 relate to other
9 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
10 truth, and therefore denies them. To the extent that the allegations of Paragraph 219 relate
11 to Samsung, Samsung denies all of those allegations, with the exception of matters
12 specifically admitted herein as follows. Samsung admits that, Jun-Hyung Souk and Dong-
13 Hun Lee, employees of SEC at the time, attended the Society for Information Display 2004
14 Symposium.

15 220. To the extent that the allegations of Paragraph 220 relate to other
16 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
17 truth, and therefore denies them. To the extent that the allegations of Paragraph 220 relate
18 to Samsung, Samsung denies all of those allegations, with the exception of matters
19 specifically admitted herein as follows. Samsung admits that, during at least portions of
20 the alleged period Jun-Hyung Souk was an SEC employee, and gave a presentation at the
21 Society for Information Display 2005 Symposium entitled “Managing the Crystal Cycles”.
22 With respect to the purported paraphrased summary of the presentation referenced in
23 Paragraph 220, Samsung refers Plaintiffs to the referenced presentation for a description of
24 its content.

25 221. To the extent that the allegations of Paragraph 221 relate to other
26 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
27 truth, and therefore denies them. To the extent that the allegations of Paragraph 221 relate
28 to Samsung, Samsung denies all of those allegations, with the exception of matters

1 specifically admitted herein as follows. Samsung admits that, Sang Wan Lee and Jun-
2 Hyung Souk, employees of SEC at the time, and Joe Virginia, an employee of SSI at the
3 time, attended the Society for Information Display 2005 Symposium.

4 222. To the extent that the allegations of Paragraph 222 relate to other
5 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
6 truth, and therefore denies them. To the extent that the allegations of Paragraph 222 relate
7 to Samsung, Samsung denies all of those allegations.

8 223. To the extent that the allegations of Paragraph 223 relate to other
9 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
10 truth, and therefore denies them. To the extent that the allegations of Paragraph 223 relate
11 to Samsung, Samsung denies all of those allegations.

12 224. To the extent that the allegations of Paragraph 224 relate to other
13 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
14 truth, and therefore denies them. To the extent that the allegations of Paragraph 224 relate
15 to Samsung, Samsung denies all of those allegations, with the exception of matters
16 specifically admitted herein as follows. Samsung admits that, Jun-Hyung Souk, an
17 employee of SEC at the time, attended the GFPC 2006 conference.

18 225. Samsung denies each and every allegation of Paragraph 225.

19 **IX. Allegations Concerning Fraudulent Concealment.**

20 226. Samsung denies each and every allegation of Paragraph 226.

21 227. To the extent that the allegations of Paragraph 227 relate to other
22 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
23 truth, and therefore denies them. To the extent that the allegations of Paragraph 227 relate
24 to Samsung, Samsung denies all of those allegations.

25 228. To the extent that the allegations of Paragraph 228 relate to other
26 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
27 truth, and therefore denies them. To the extent that the allegations of Paragraph 228 relate
28 to Samsung, Samsung denies all of those allegations.

1 229. Samsung lacks knowledge or information sufficient to form a belief as
2 to the truth of the allegations of Paragraph 229, and therefore denies them.

3 230. With the exception of matters specifically admitted herein as follows,
4 Samsung lacks knowledge or information sufficient to form a belief as to the truth of the
5 allegations of Paragraph 230, and therefore denies them. Samsung admits that, during at
6 least portions of the alleged period, Yoon-Woo Lee was an SEC employee. With respect
7 to the purported communication attributed to Mr. Lee referenced in Paragraph 230,
8 Samsung refers Plaintiffs to the referenced communication for a description of its content.

9 231. Samsung lacks knowledge or information sufficient to form a belief as
10 to the truth of the allegations of Paragraph 231, and therefore denies them.

11 232. Samsung lacks knowledge or information sufficient to form a belief as
12 to the truth of the allegations of Paragraph 232, and therefore denies them.

13 233. Samsung lacks knowledge or information sufficient to form a belief as
14 to the truth of the allegations of Paragraph 233, and therefore denies them.

15 234. Samsung lacks knowledge or information sufficient to form a belief as
16 to the truth of the allegations of Paragraph 234, and therefore denies them.

17 235. To the extent that the allegations of Paragraph 235 relate to other
18 defendants, Samsung lacks knowledge or information sufficient to form a belief as to their
19 truth, and therefore denies them. To the extent that the allegations of Paragraph 235 relate
20 to Samsung, Samsung denies all of those allegations.

21 236. Samsung denies each and every allegation of Paragraph 236.

22 **X. Allegations Concerning Claim for Violations of 15 U.S.C. § 1**

23 237. Samsung repeats and incorporates by reference its responses to
24 Paragraphs 1 through 236 of the Complaint with the same force and effect as if set forth
25 herein at length.

26 238. Samsung avers that the allegations of Paragraph 238 constitute legal
27 contentions and/or conclusions to which no response is required, but Samsung nonetheless
28 denies all of those allegations.

239. Samsung denies each and every allegation of Paragraph 239.
240. Samsung denies each and every allegation of Paragraph 240.
241. Samsung denies each and every allegation of Paragraph 241.
242. Samsung denies each and every allegation of Paragraph 242,
including its subparts.
243. Samsung denies each and every allegation of Paragraph 243.

XI. Allegations Concerning Plaintiffs' Prayer for Relief.

Samsung denies that Plaintiffs suffered any injury or incurred any damages by any act or omission of Samsung as alleged in the Complaint, and further denies that Plaintiffs are entitled to any relief under any theory by means of the allegations set forth in the Complaint.

ADDITIONAL OR AFFIRMATIVE DEFENSES

Without assuming any burden it would not otherwise bear, Samsung asserts the following additional and/or affirmative defenses to Plaintiffs' Complaint:

FIRST ADDITIONAL OR AFFIRMATIVE DEFENSE

(Failure to State a Claim)

The Complaint fails to state a claim upon which relief can be granted.

SECOND ADDITIONAL OR AFFIRMATIVE DEFENSE

(Waiver and Estoppel)

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, by the doctrines of waiver and/or estoppel.

THIRD ADDITIONAL OR AFFIRMATIVE DEFENSE

(Laches)

Plaintiffs' claims should be dismissed to the extent that they are barred, in whole or in part, by the equitable doctrine of laches.

FOURTH ADDITIONAL OR AFFIRMATIVE DEFENSE

(Unclean Hands)

Plaintiffs' claims should be dismissed to the extent that they are barred, in

1 whole or in part, by the equitable doctrine of unclean hands.

2 **FIFTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

3 **(Remedies Unconstitutional, Unauthorized or Contrary to Public Policy)**

4 Plaintiffs' claims should be dismissed to the extent that they are barred, in
5 whole or in part, because the remedies sought are unconstitutional, contrary to public
6 policy, or are otherwise unauthorized.

7 **SIXTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

8 **(Absence of Damages)**

9 Plaintiffs' claims should be dismissed because Plaintiffs and/or certain
10 members of the putative class have suffered no injury or damages as a result of the matters
11 alleged in the Complaint. To the extent that Plaintiffs and/or certain members of the
12 putative class purportedly suffered injury or damage, which Samsung specifically denies,
13 Samsung further contends that any such purported injury or damage was not by reason of
14 any act or omission of Samsung.

15 **SEVENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

16 **(No Antitrust Injury)**

17 Plaintiffs' claims should be dismissed because Plaintiffs and/or certain
18 members of the putative class have not suffered actual, cognizable antitrust injury of the
19 type antitrust laws are intended to remedy.

20 **EIGHTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

21 **(Uncertainty of Damages)**

22 Plaintiffs' claims should be dismissed because the alleged damages sought
23 are too speculative and uncertain, and cannot be practicably ascertained or allocated.

24 **NINTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

25 **(Failure to Mitigate Damages)**

26 Plaintiffs' claims should be dismissed, in whole or in part, because Plaintiffs
27 and/or certain members of the putative class failed to take all necessary, reasonable, and
28 appropriate actions to mitigate their alleged damages, if any.

1 **TENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 **(Statute of Limitation)**

3 Plaintiffs' claims should be dismissed to the extent that they are barred, in
4 whole or in part, by the applicable statute(s) of limitations.

5 **ELEVENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

6 **(Unjust Enrichment)**

7 Plaintiffs' claims should be dismissed to the extent that they are barred, in
8 whole or in part, because Plaintiffs and/or certain members of the putative class would be
9 unjustly enriched if they were allowed to recover any part of the damages alleged in the
10 Complaint.

11 **TWELFTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

12 **(Lack of Proximate Cause)**

13 Plaintiffs' claims should be dismissed to the extent that they are barred, in
14 whole or in part, due to the absence of any injury or damage for which Samsung's actions,
15 conduct, or omissions were the proximate cause.

16 **THIRTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

17 **(Adequate Remedy at Law)**

18 Plaintiffs' claims for injunctive relief should be dismissed because Plaintiffs
19 and/or certain members of the putative class have available an adequate remedy at law.

20 **FOURTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

21 **(Privilege)**

22 Plaintiffs' claims should be dismissed to the extent that they are barred, in
23 whole or in part, because any action taken by or on behalf of Samsung was justified,
24 constituted bona fide business competition and was taken in pursuit of its own legitimate
25 business and economic interests, and is therefore privileged.

26 **FIFTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

27 **(Non-actionable or Governmental Privilege)**

28 Plaintiffs' claims are barred, in whole or in part, because the alleged conduct

1 of SEC that is the subject of the Complaint was caused by, due to, based upon, or in
2 response to directives, laws, regulations, policies, and/or acts of governments,
3 governmental agencies and entities, and/or regulatory agencies, and such is non-actionable
4 or privileged.

5 **SIXTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

6 **(Failure to Join Indispensable Parties)**

7 Plaintiffs' claims should be dismissed to the extent that they are barred, in
8 whole or in part, for failure to join indispensable parties.

9 **SEVENTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

10 **(Comparative Fault)**

11 Plaintiffs' claims should be dismissed to the extent that they are barred, in
12 whole or in part, because any and all injuries alleged in the Complaint, the fact and extent
13 of which Samsung specifically denies, were directly and proximately caused or contributed
14 to by the statements, acts, and/or omissions of Plaintiffs, certain members of the putative
15 class, and/or third parties or entities, other than Samsung.

16 **EIGHTEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

17 **(Acquiescence)**

18 Plaintiffs' claims should be dismissed to the extent that they are barred, in
19 whole or in part, by Plaintiffs' and/or certain members of the putative class acquiescence
20 and/or confirmation of any and all conduct and/or omissions alleged as to Samsung.

21 **NINETEENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

22 **(Failure to State a Claim Under the Foreign Trade Antitrust Improvements Act)**

23 Plaintiffs' claims for any foreign purchases, if any, should be dismissed to
24 the extent that they are barred, in whole or in part, because Plaintiffs have failed to allege
25 facts sufficient to support a claim under the foreign Trade Antitrust Improvements Act, 15
26 U.S.C. § 6a.

1 **TWENTIETH ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 **(Uncertainty)**

3 Plaintiffs' claims should be dismissed for uncertainty and vagueness and
4 because their claims are ambiguous, and/or unintelligible. Samsung avers that Plaintiffs'
5 claims do not describe the events or legal theories with sufficient particularity to permit
6 Samsung to ascertain what other defenses may exist. Samsung therefore reserves the right
7 to amend its Answer to assert additional defenses and/or supplement, alter, or change its
8 Answer and/or defenses upon the discovery of more definitive facts upon the completion
9 of its investigation and discovery.

10 **TWENTY-FIRST ADDITIONAL OR AFFIRMATIVE DEFENSE**

11 **(Lack of Standing to Sue for Injuries Alleged)**

12 Plaintiffs' claims should be dismissed, in whole or in part, to the extent
13 Plaintiffs lack standing to sue for the injuries alleged in the Complaint.

14 **TWENTY-SECOND ADDITIONAL OR AFFIRMATIVE DEFENSE**

15 **(Competition Not Harmed)**

16 Plaintiffs' claims should be dismissed to the extent that they are barred, in
17 whole or in part, because Samsung's actions did not lessen competition in the relevant
18 market.

19 **TWENTY-THIRD ADDITIONAL OR AFFIRMATIVE DEFENSE**

20 **(Intervening or Superseding Acts of Third Parties)**

21 Plaintiffs' damages, if any, resulted from the acts or omissions of third
22 parties over whom Samsung had no control or responsibility. The acts of such third parties
23 constitute intervening or superseding causes of harm, if any, suffered by Plaintiffs.

24 **TWENTY-FOURTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

25 **(Injury or Damages Offset by Benefits Received)**

26 Plaintiffs' claims should be dismissed to the extent that they are barred, in
27 whole or in part, because any claimed injury or damage has been offset by benefits
28 Plaintiffs received with respect to the challenged conduct.

1 **TWENTY-FIFTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 **(Increased Output and Lower Prices)**

3 Samsung, without admitting the existence of any contract, combination, or
4 conspiracy in restraint of trade as alleged in the Complaint, avers that the matters about
5 which Plaintiffs complain resulted in increased output and lower prices for TFT-LCD
6 Products.

7 **TWENTY-SIXTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

8 **(Prices Fixed by Plaintiffs)**

9 Plaintiffs' claims should be dismissed to the extent they are barred, in whole
10 or in part, because the price of TFT-LCD Products was fixed, if at all, by Plaintiffs and/or
11 other purchasers of TFT-LCD Products, either individually or collectively.

12 **TWENTY-SEVENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

13 **(Failure to Allege Fraud or Fraudulent Conspiracy with Particularity)**

14 Plaintiffs' claims should be dismissed to the extent that they are barred, in
15 whole or in part, because Plaintiffs have failed to allege fraud or fraudulent concealment
16 with sufficient particularity.

17 **TWENTY-EIGHTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

18 **(Failure to Plead Conspiracy with Particularity)**

19 Plaintiffs' claims should be dismissed to the extent that they are barred, in
20 whole or in part, because Plaintiffs have failed to allege conspiracy with sufficient
21 particularity.

22 **TWENTY-NINTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

23 **(No Detrimental Reliance)**

24 Plaintiffs' claims should be dismissed to the extent that they are barred, in
25 whole or in part, because Plaintiffs did not detrimentally rely upon any alleged deceptive
26 trade conduct as alleged in the Complaint.

1 **THIRTIETH ADDITIONAL OR AFFIRMATIVE DEFENSE**

2 **(Set Off)**

3 Without admitting that plaintiffs are entitled to recover damages in this
4 matter, Samsung is entitled to set off from any recovery Plaintiffs may obtain against
5 Samsung any amount paid to Plaintiffs by any other Defendants who have settled, or do
6 settle, Plaintiffs' claims in this matter.

7 **THIRTY-FIRST ADDITIONAL OR AFFIRMATIVE DEFENSE**

8 **(Failure to State a Claim for Injunctive Relief)**

9 Plaintiffs' claims should be dismissed to the extent that they are barred, in
10 whole or in part, because Plaintiffs have failed to state a claim for injunctive relief insofar
11 as Plaintiffs seek to enjoin alleged events that have already transpired without the requisite
12 showing of threatened harm or continuing harm.

13 **THIRTY-SECOND ADDITIONAL OR AFFIRMATIVE DEFENSE**

14 **(Lack of Jurisdiction)**

15 Plaintiffs' claims should be dismissed to the extent that they are barred, in
16 whole or in part, because any alleged conduct of Samsung occurred outside of the
17 jurisdiction of the Court.

18 **THIRTY-THIRD ADDITIONAL OR AFFIRMATIVE DEFENSE**

19 **(No Attorney Fees Allowed)**

20 An award of attorneys' fees, based upon the conduct alleged in the
21 Complaint, is not allowed under applicable federal or state law.

22 **THIRTY-FOURTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

23 **(Lack of Standing)**

24 Plaintiffs' claims are barred by Plaintiffs' lack of standing to prosecute the
25 claims individually or as a class action.

26 **THIRTY-FIFTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

27 **(Lack of Commonality)**

28 Plaintiffs' claims are improperly joined within the meaning of the Federal

1 Rule of Civil Procedure 20 or 23 because they did not arise out of the same transaction,
2 occurrence, or series of transactions or occurrences, and/or do not involve questions of law
3 or fact common to all defendants.

4 **THIRTY-SIXTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

5 **(Lack of Typicality)**

6 Plaintiffs' claims are improperly joined within the meaning of the Federal
7 Rule of Civil Procedure 23 because they are not typical of the claims of the other members
8 of the putative class.

9 **THIRTY-SEVENTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

10 **(Plaintiffs are Not Proper Representatives)**

11 Plaintiffs' claims are barred, in whole or in part, because the named Plaintiffs
12 are not proper class representatives.

13 **THIRTY-EIGHTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

14 **(Other Defenses Incorporated by Reference)**

15 Samsung adopts and incorporates by reference any and all other additional or
16 affirmative defenses asserted or to be asserted by any other defendant in this proceeding to
17 the extent that Samsung may share in such affirmative defenses.

18 **THIRTY-NINTH ADDITIONAL OR AFFIRMATIVE DEFENSE**

19 **(Reservation of Rights to Assert Additional Defenses)**

20 Samsung has not knowingly or intentionally waived any applicable defenses
21 and explicitly reserves the right to assert and rely on such other applicable defenses as may
22 become available or apparent during discovery proceedings. Samsung further reserves the
23 right to amend its Answer and/or its defenses accordingly, and/or to delete defenses that it
24 determines are not applicable during the course of subsequent discovery.

25
26 ///

1 WHEREFORE, Samsung prays for judgment as follows:

- 2 1. That Plaintiffs take nothing under the Complaint, and the Complaint
3 be dismissed with prejudice;
4 2. That judgment be entered in favor of Samsung and against Plaintiffs
5 on each and every cause of action set forth in the Complaint;
6 3. That Samsung recover its costs of suit and attorneys' fees incurred
7 herein; and
8 4. That Samsung be granted such other and further relief as the Court
9 deems just and proper.

10 Dated: January 6, 2010

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

11 By /s/ Michael W. Scarborough

12 Michael W. Scarborough

13 Attorneys for Defendants

14 SAMSUNG ELECTRONICS CO., LTD.,

SAMSUNG SEMICONDUCTOR, INC. and

15 SAMSUNG ELECTRONICS AMERICA, INC.